REMARKS

This is in response to the Official Action currently outstanding with respect to the above-identified application. Applicants respectfully note that the Examiner has designated the currently outstanding Official Action as being "non-final" on the summary page thereof and also as being "FINAL" in the CONCLUSION section thereof. Applicants respectfully submit that the currently outstanding Official Action should be deemed to be NON-FINAL in the present circumstances.

Specifically, in addition to the above-noted internal inconsistency in the currently outstanding Official Action, Applicants respectfully note that this is a first Official Action following the filing of a Request for Continued Examination and that the Examiner has admitted that the claims have been extensively changed, at least in form, since her last rejection thereof. In addition, Applicants respectfully note that the Examiner has changed her position somewhat concerning the issue of the support in the present specification for the claimed elements without providing Applicants with an opportunity to respond as of right outside of the restricted confined of 37 CFR 1.116. Applicants respectfully submit that this is at least not equitable and that therefore any finality of the currently outstanding Official Action should be withdrawn in response to this submission.

Claims 6 and 9-11 were pending at the time of the issuance of the currently outstanding Official Action. By the foregoing Amendment, Applicants have amended Claims 6, 10 and 11. In addition, Applicants have added new Claims 18 – 21. No claims have been cancelled or withdrawn. Accordingly, upon the entry of the foregoing Amendment, Claims 6, 9-11 and 18-21 a presented hereinabove will constitute the claims under active prosecution in the above-identified application.

The claims of the above-identified application as they will stand upon the entry of the foregoing Amendment are reproduced above, including appropriate indications of the changes being made as well as appropriate status identifiers, as required by the Rules.

More particularly, in the currently outstanding non-final Official Action, the Examiner has:

1) Not re-acknowledged Applicants' claim for foreign priority under 35 USC §119 (a)-(d) or (f), and has not reconfirmed the receipt by the United States Patent and Trademark Office of the required copies of the priority documents – **Applicants respectfully note that the Examiner has appropriately commented on these issues previously in this prosecution.**

2) Not reconfirmed her previous acceptance of the formal drawings filed with this application on 27 February 2006. - **Applicants respectfully note that the Examiner has appropriately commented on this issue previously in this prosecution.**

3) Not reconfirmed her consideration of Applicants' Information Disclosure Statement of 27 February 2006 by the return to the Applicants of a copy of the Form PTO/SB/08a/b that accompanied that Statement duly electronically marked so as to confirm the Examiner's consideration of the documentation referred to therein - **Applicants respectfully note that the Examiner has appropriately commented on this issue previously in this prosecution.**

4) Acknowledged that Claims 7, 8 and 12-15 have been cancelled, without prejudice, and indicated that Claims 6 and 9-11 as set forth in Applicants' Amendment After Final Rejection have been entered and considered.

5) Indicated that Applicants' previous argument now has been considered, but that it is deemed to be moot in view of the newly stated grounds for rejection.

6) Rejected Claims 6 and 9-11 under 35 USC 112, second paragraph, on the basis that it is unclear whether or not those claims find adequate structural support in the specification as originally filed while agreeing that this position is a departure from her previous position in this prosecution.

7) Rejected Claims 6 and 9-11 under 35 USC 103(a) as being unpatentable over Mutsuaki (JP-2000-244753) in view of Huisman et al (US Published Patent Application No. 2005/0108599) further in view of Yoshiki (JP 11-275326) and still further in view of Chrisop et al (US Published Patent Application No. 2001/0025343).

Further comment regarding items 1-5 above is not deemed to be required in these Remarks.

In addition, Applicant respectfully submits that the foregoing amendments are supported at paragraphs [0014] through [0015] of the specification as originally filed. In addition, Applicants have added new claims 18-21 that correspond to Claims 6 and 9-11 and are based upon Figure 4 and 7 of the present application. New Claims 18-21 are recited in a manner (using the terminology "unit") that is respectfully submitted to be different from the means-plus-function terminology adopted in the previous claims, and objected to by the Examiner as potentially being unclear, for purposes of clarity of expression and meaning.

More particularly, with respect to item 6 above, the Examiner's rejections based upon 35 USC 112, Applicants respectfully note the following points:

(i) As to the "means for detecting whether or not a processing unit for processing the image data is provided and the operational state thereof" the Examiner's attention is respectfully directed to the following relevant portions of the specification and drawings as originally filed. Specifically, the previous amendments to Claim 6 are supported at paragraphs [0039] to [0044] of the present specification at least as to the method limitations thereof since those portions of the specification discuss the flow chart of Fig. 4. In addition, however, it is to be noted that the management unit 14 is referred to as being a memory (i.e., hardware) storing information that indicates the condition of the image processing apparatus 1 that is accessed by the controlling unit 11 (CPU). (See paragraphs [0022]. [0023], [0030], [0032] and [0038] of the specification of the above-identified application as originally filed)

Applicants respectfully submit that at least these portions of the present specification constitute clear support for the disclosure of structure associated with the claimed means for detecting whether or not a processing unit for processing the image data is provided and the operational state thereof.

(ii) As to the "means for deciding..." of Claim 6, Applicants respectfully submit that the meaning of that terminology has been clarified sufficiently to overcome the Examiner's rejection by the remainder of the amendment set forth hereinabove.

(iii) As to item 3 of the rejection under 35 USC 112 stated in the currently outstanding Official Action, it seems to Applicants that the Examiner's position is based upon a misunderstanding. In this regard, Applicants respectfully note that in S207, S212 and S213 of Figure 4, the "controlling unit" functions as the "concealing method". Also, when the processing unit is not provided or not in an operational-state, the controlling unit does not make the processing unit operate. Instead, the controlling unit performs an encryption processing.

As to item 7 above, the Examiner's rejections under 35 USC 103(a), Applicants have the following comments.

Applicants respectfully submit that the cited Mutsuaki, Huiman et al, Yoshiki and Chrisop references do not teach, disclose or suggest the subject matter of Claim 6, namely, "means for deciding either that the instruction for concealment includes only associating the image data with authentication information in the case when it is detected that the processing unit is provided and active, or that the image data is to be encrypted and associated with authentication information in the case when it is detected that the processing unit is not provided or is not active".

More specifically, Applicants respectfully submit that Claim 6 has the effect that an optional unit is provided such that when a processing unit is in an operational-state, the function is utilized for concealment, and also the other processing concealment is performed apart from the processing of the processing unit, thereby decreasing the processing load on the processing unit. This effect can be obtained by the following features of the present invention:

> "Deciding a concealment method is performed based on as to whether or not the processing unit is equipped as an optional part is provided and also based on the operate-state thereof. In other words, in the case where the processing unit is the unit for encrypting image data when storing the image data, a method other than a method for encryption, for example, a method for setting authentication information, is performed."

Hence, while the processing unit of Claim 6 of the present application is an optional unit, a backup unit is included in Huisman for protection of backup from the beginning. In the invention according to Claim 6 of the present application, on the other hand, when the processing unit is not provided or not in an operational-state, the controlling unit does not make the processing unit operate, but the controlling unit performs encryption and sets authentication information.

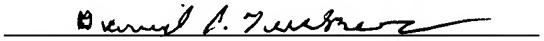
Also, as discussed above, since the problem to be solved by the invention of Huisman is different from that of the invention of presently pending claim 6, Applicants respectfully submit that there is no motivation for one skilled in that art as of the time that the present invention was made to combine the invention of Mutsuaki with the invention of Huisman. Furthermore, Applicants believe that even if the Mutsuaki and Huisman references were to have been combined at the time that the present invention was made, it still would not have been possible for one of ordinary skill in the art to reach the present invention without reference to the teachings provided by the present specification.

Accordingly, Applicants respectfully submit that Claim 6 as herein amended is not obvious over any combination of the art cited and relied upon by the Examiner, and further that in view of that fact Claims 9, 10 and 11 (that depend from Claim 6) also are patentable within the terms of 35 USC 103(a). New Claims 18-21 are also believed to be patentable for similar reasons because the "means-for" terminology of the previous claims applies equally to the "unit" terminology of the newly submitted claims. A decision so holding in response to this communication is respectfully requested

Finally, Applicant believes that additional fees beyond those submitted herewith are not required in connection with the consideration of this supplemental response to the currently outstanding Official Action. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge and/or credit Deposit Account No. 04-1105, as necessary, for the correct payment of all fees which may be due in connection with the filing and consideration of this communication.

Respectfully submitted,

Date: June 2, 2011



SIGNATURE OF PRACTITIONER

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